## 2020 MISSOURI ATTORNEY GENERAL'S OPINIONS

## MISSOURI ATTORNEY GENERAL'S OPINIONS

Opinion	Date	Topic	Summary
1-2020	Jan 16	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of the sufficiency as to form of an initiative petition submitted by James Owen amending Chapter 393, RSMo (2020-142).
2-2020	Jan 16	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of the sufficiency as to form of an initiative petition submitted by James Owen (version 2) amending Chapter 393, RSMo (2020-143).
3-2020	Jan 16	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of the sufficiency as to form of an initiative petition submitted by James Owen (version 3) amending Chapter 393, RSMo (2020-144).
4-2020	Jan 16	INITIATIVES. INITIATIVE PETITIONS.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Mark Parachini (2020-145).
5-2020	Jan 16	INITIATIVES. INITIATIVE PETITIONS.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Mark Parachini (2020-146).
6-2020	Feb 3	INITIATIVES. INITIATIVE PETITIONS.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Mark Parachini (2020-147).
7-2020	Feb 3	INITIATIVES. INITIATIVE PETITIONS.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Mark Parachini (2020-148).
8-2020	Feb 6	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of the legal content and form of a fiscal note summary prepared for an initiative petition submitted by James Owen amending Chapter 393, RSMo (2020-142).
9-2020	Feb 6	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of the legal content and form of a fiscal note summary prepared for an initiative petition submitted by James Owen amending Chapter 393, RSMo (version 2) (2020-143).
10-2020	Feb 6	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of the legal content and form of a fiscal note summary prepared for an initiative petition submitted by James Owen amending Chapter 393, RSMo (version 3) (2020-144).
11-2020	Feb 18	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of a summary statement prepared for the initiative petition submitted by James Owen regarding a proposed amendment to Chapter 393, RSMo (version 1) (2020-142).
12-2020	Feb 18	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of a summary statement prepared for the initiative petition submitted by James Owen regarding a proposed amendment to Chapter 393, RSMo (version 2) (2020-143).
13-2020	Feb 18	INITIATIVES. INITIATIVE PETITIONS.	Review and approval of a summary statement prepared for the initiative petition submitted by James Owen regarding a proposed amendment to Chapter 393, RSMo (version 3) (2020-144).
14-2020	May 26	FAIR BALLOT LANGUAGE. INITIATIVE PETITIONS.	Review and approval of the legal content and form of the fair ballot language prepared for an initiative petition submitted by Heidi Miller amending Article IV of the Missouri Constitution (2020-063).
15-2020	June 26	SENATE JOINT RESOLUTION.	Review and approval of the legal content and form of a fiscal note summary prepared for Senate Substitute No. 3 for Senate Joint Resolution No. 38.
16-2020	June 26	FAIR BALLOT LANGUAGE. SENATE JOINT RESOLUTION.	Review and approval of the legal content and form of the proposed fair ballot language prepared for Senate Substitute No. 3 for Senate Joint Resolution No. 38.



### ATTORNEY GENERAL OF MISSOURI ERIC SCHMITT January 16, 2020

OPINION LETTER NO. 1-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated January 6, 2020, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 393, Revised Statutes of Missouri, submitted by James Owen, version 1 (2020-142).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

ERIC S. SCHMITT

Attorney General

Supreme Court Building

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January 16, 2020

OPINION LETTER NO. 2-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated January 6, 2020, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 393, Revised Statutes of Missouri, submitted by James Owen, version 2 (2020-143).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

ERIC S. SCHMITT

Attorney General

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January 16, 2020

OPINION LETTER NO. 3-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated January 6, 2020, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Chapter 393, Revised Statutes of Missouri, submitted by James Owen, version 3 (2020-144).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

ERIC S. SCHMITT

Attorney General



January 16, 2020

OPINION LETTER NO. 4-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated January 10, 2020, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Mark Parachini, (2020-145).

We conclude that the petition must be rejected for at least the following reasons:

- 1. The petition is not in the form prescribed by § 116.040, RSMo.
- 2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine whether additional deficiencies exist. Pursuant to § 116.332.4, RSMo, the Secretary of

The Honorable John R. Ashcroft Page 2

State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

ERIC S. SCHMITT

Attorney General



January 27, 2020

OPINION LETTER NO. 5-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated January 16, 2020, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Mark Parachini, (2020-146).

We conclude that the petition must be rejected for at least the following reasons:

- 1. The petition is not in the form prescribed by § 116.040, RSMo.
- 2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to § 116.050, RSMo.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine whether additional deficiencies exist. Pursuant to § 116.332.4, RSMo, the Secretary of

The Honorable John R. Ashcroft Page 2

State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

ERIC S. SCHMITT Attorney General



February 3, 2020

OPINION LETTER NO. 6-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated January 23, 2020, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Mark Parachini, (2020-147).

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.050.2(3), RSMo.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine whether additional deficiencies exist. Pursuant to § 116.332.4, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

ERIC S. SCHMITT Attorney General



February 3, 2020

OPINION LETTER NO. 7-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated January 24, 2020, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Mark Parachini, (2020-148).

We conclude that the petition must be rejected for at least the following reasons:

1. The petition is not in the form prescribed by § 116.050.2(3), RSMo.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine whether additional deficiencies exist. Pursuant to § 116.332.4, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

ERIC S. SCHMITT Attorney General



February 6, 2020

OPINION LETTER NO. 8-2020

The Honorable Nicole Galloway Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Galloway:

This office received your letter of January 27, 2020, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by James Owen (2020-142). The fiscal note summary that you submitted is as follows:

State governmental entities estimate additional ongoing costs of approximately \$147,000 annually. Additionally, state and local governmental entities anticipate a possible unknown increase in electricity costs from this proposal, which is limited by existing law to be no more than an average retail rate increase of one percent annually.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the initiative petition or as the expression of any view regarding the objectives of its proponents. Furthermore, our review under § 116.175.4 does not examine the fairness or sufficiency of the estimated fiscal impact.

Very truly yours,

ERIC S. SCHMITT

Attorney General

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February 6, 2020

OPINION LETTER NO. 9-2020

The Honorable Nicole Galloway Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Galloway:

This office received your letter of January 27, 2020, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by James Owen (2020-143). The fiscal note summary that you submitted is as follows:

State governmental entities estimate additional ongoing costs of approximately \$143,500 annually. Additionally, state and local governmental entities anticipate a possible unknown increase in electricity costs from this proposal, which is limited by existing law to be no more than an average retail rate increase of one percent annually.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the initiative petition or as the expression of any view regarding the objectives of its proponents. Furthermore, our review under § 116.175.4 does not examine the fairness or sufficiency of the estimated fiscal impact.

Very truly yours,

ERIC S. SCHMITT

Attorney General

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February 6, 2020

OPINION LETTER NO. 10-2020

The Honorable Nicole Galloway Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Galloway:

This office received your letter of January 27, 2020, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for an initiative petition submitted by James Owen (2020-144). The fiscal note summary that you submitted is as follows:

State governmental entities estimate additional ongoing costs of approximately \$143,500 annually. Additionally, state and local governmental entities anticipate a possible unknown increase in electricity costs from this proposal, which is limited by existing law to be no more than an average retail rate increase of one percent annually.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the initiative petition or as the expression of any view regarding the objectives of its proponents. Furthermore, our review under § 116.175.4 does not examine the fairness or sufficiency of the estimated fiscal impact.

Very truly yours,

ERIC S. SCHMITT

Attorney General

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February 18, 2020

OPINION LETTER NO. 11-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated February 7, 2020, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by James Owen regarding a proposed amendment to amend Chapter 393, version 1, (2020-142). The proposed summary statement is as follows:

Do you want to amend Missouri law regarding the renewable energy standard for investor-owned electric utilities as follows:

- increase the minimum renewable energy amount from the current 15% of retail sales in 2021 to 20% by 2025, with incremental increases to 40% by 2040;
- increase the solar energy minimum from the current 2% to 5% by 2025;
- · eliminate the solar rebate program; and
- only allow the use of renewable energy credits that are associated with electricity the utility produced or purchased?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed

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as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

ERIC S. SCHMITT Attorney General



February 18, 2020

OPINION LETTER NO. 12-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated February 7, 2020, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by James Owen regarding a proposed amendment to amend Chapter 393, version 2, (2020-143). The proposed summary statement is as follows:

Do you want to amend Missouri law regarding the renewable energy standard for investor-owned electric utilities as follows:

- increase the minimum renewable energy amount from the current 15% of retail sales in 2021 to 20% by 2022, with incremental increases to 50% by 2040;
- eliminate the solar rebate program;
- require utilities to purchase solar credits for ten years from customers with solar panels;
- increase the solar energy minimum from the current 2% to 5%; and
- only allow the use of renewable energy credits that are associated with electricity the utility sold to Missouri customers?

Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

ERIC S. SCHMITT Attorney General



February 18, 2020

OPINION LETTER NO. 13-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated February 7, 2020, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by James Owen regarding a proposed amendment to amend Chapter 393, version 3, (2020-144). The proposed summary statement is as follows:

Do you want to amend Missouri law regarding the renewable energy standard for investor-owned electric utilities as follows:

- increase the minimum renewable energy amount from the current 15% of retail sales in 2021 to 20% by 2022, with incremental increases to 50% by 2040;
- eliminate the solar rebate program;
- require utilities to purchase solar credits for ten years from customers with solar panels;
- increase the solar energy minimum from the current 2% to 5%; and
- only allow the use of renewable energy credits that are associated with electricity the utility sold to Missouri customers?

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Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

ERIC S. SCHMITT Attorney General



May 26, 2020

OPINION LETTER NO. 14-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated May 15, 2020, for our review under § 116.025, RSMo, of a proposed fair ballot language statement for the initiative petition submitted by Heidi Miller, relating to an amendment to Article IV, Section 36(c) of the Missouri Constitution (2020-063). The proposed fair ballot language statement is as follows:

A "yes" vote will amend the Missouri Constitution to adopt Medicaid Expansion for persons 19 to 64 years old with an income level at or below 133% of the federal poverty level, as set forth in the Affordable Care Act. Currently, Medicaid eligibility is set forth in state statute, but this amendment adds Medicaid Expansion to our constitution. This amendment prohibits placing greater or additional burdens on eligibility or enrollment standards, methodologies or practices on persons covered under Medicaid Expansion than on any other population eligible for Medicaid. The amendment requires state agencies to take all actions necessary to maximize federal Supreme Court Building

207 W. High Street P.O. Box 899 Jefferson City, MO 65102 Phone: (573) 751-3321 Fax: (573) 751-0774 www.ago.mo.gov financial participation in funding medical assistance under Medicaid Expansion. Federal law requires states to fund a portion of the program in order to receive federal funding (state match). This amendment does not provide new state funding or specify existing funding sources for the required state match.

A "no" vote will not amend the Missouri Constitution to adopt Medicaid Expansion.

If passed, this measure has no direct impact on taxes.

Pursuant to § 116.025, RSMo, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the initiative petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

ERIC S. SCHMITT

Eric S. Schmids

Attorney General



June 26, 2020

OPINION LETTER NO. 15-2020

The Honorable Nicole Galloway Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Galloway:

This office received your letter of June 17, 2020, submitting a fiscal note and fiscal note summary prepared under § 116.175, RSMo, for Senate Substitute No. 3 for Senate Joint Resolution No. 38. The fiscal note summary that you submitted is as follows:

State governmental entities expect no cost or savings. Individual local governmental entities expect significant decreased revenues of a total unknown amount.

Under § 116.175.4, RSMo, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the initiative petition or as the expression of any view regarding the objectives of its proponents. Furthermore, our review under § 116.175.4 does not examine the fairness or sufficiency of the estimated fiscal impact.

Very truly yours,

ERIC S. SCHMITT

Attorney General

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June 26, 2020

OPINION LETTER NO. 16-2020

The Honorable John R. Ashcroft Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Ashcroft:

This opinion letter responds to your request dated June 16, 2020, for our review under § 116.025, RSMo, of a proposed fair ballot language statement for Senate Substitute No. 3 for Senate Joint Resolution No. 38. The proposed fair ballot language statement is as follows:

A "yes" vote will amend the Missouri Constitution to reduce the limits on campaign contributions that candidates for state senator can accept from individuals or entities by \$100 per election. There is no change for candidates for state representative.

The amendment prohibits state legislators and their employees from accepting a gift of any value (which is currently \$5) from paid lobbyists or the lobbyists' clients.

The amendment modifies the criteria for redrawing legislative districts and changes the process for redrawing state legislative district boundaries during redistricting by giving redistricting responsibility to a bipartisan commission, renames them, and increases membership to 20 by adding four commissioners

The Honorable John R. Ashcroft Page 2

appointed by the Governor from nominations by the two major political party's state committees.

A "no" vote will not amend the Missouri Constitution regarding campaign contributions, lobbyist gifts, and the process and criteria for redistricting.

If passed, this measure will have no impact on taxes.

Pursuant to §116.025, RSMo, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the joint resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

ERIC S. SCHMITT

Attorney General